

Environmental Protection Agency

§ 90.1003

§ 90.1004(b) that such exemption be void ab initio with respect to a new nonroad engine intended solely for export if such nonroad engine is sold, or offered for sale, to an ultimate purchaser in the United States for purposes other than export.

[60 FR 34598, July 3, 1995, as amended at 64 FR 15252, Mar. 30, 1999]

§ 90.910 Granting of exemptions.

(a) If upon completion of the review of an exemption request made pursuant to § 90.905 or § 90.908, EPA determines it is appropriate to grant such an exemption, a memorandum of exemption is to be prepared and submitted to the person requesting the exemption. The memorandum is to set forth the basis for the exemption, its scope, and such terms and conditions as are deemed necessary. Such terms and conditions generally include, but are not limited to, agreements by the applicant to conduct the exempt activity in the manner described to EPA, create and maintain adequate records accessible to EPA at reasonable times, employ labels for the exempt engines setting forth the nature of the exemption, take appropriate measures to assure that the terms of the exemption are met, and advise EPA of the termination of the activity and the ultimate disposition of the engines.

(b) Any exemption granted pursuant to paragraph (a) of this section is deemed to cover any subject engine only to the extent that the specified terms and conditions are complied with. A breach of any term or condition causes the exemption to be void ab initio with respect to any engine. Consequently, the causing or the performing of an act prohibited under § 90.1003(a) (1) or (3), other than in strict conformity with all terms and conditions of this exemption, renders the person to whom the exemption is granted, and any other person to whom the provisions of § 90.1003 are applicable, liable to suit under sections 204 and 205 of the Act.

§ 90.911 Submission of exemption requests.

Requests for exemption or further information concerning exemptions and/or the exemption request review proce-

dures should be addressed to: Group Manager, Engine Compliance Programs Group, Engine Programs and Compliance Division (6403J), Environmental Protection Agency, Washington, DC 20460.

[64 FR 15252, Mar. 30, 1999]

§ 90.912 Treatment of confidential information.

The provisions for treatment of confidential information described in § 90.4 apply to this subpart.

Subpart K—Prohibited Acts and General Enforcement Provisions

§ 90.1001 Applicability.

The requirements of subpart K are applicable to all nonroad engines and vehicles subject to the provisions of subpart A of part 90.

§ 90.1002 Definitions.

The definitions in subpart A of this part apply to this subpart. All terms not defined herein or in subpart A have the meaning given them in the Act.

§ 90.1003 Prohibited acts.

(a) The following acts and the causing thereof are prohibited:

(1)(i) In the case of a manufacturer of new nonroad engines or vehicles for distribution in commerce, the sale, the offering for sale, or the introduction, or delivery for introduction, into commerce, of any new nonroad engine manufactured after the applicable effective date under this part unless such engine is covered by a certificate of conformity issued (and in effect) under regulations found in this part.

(ii) In the case of any person, except as provided by regulation of the Administrator, the importation into the United States of any new nonroad engine manufactured after the applicable effective date under this part unless such engine is covered by a certificate of conformity issued (and in effect) under regulations found in this part.

(2) (i) For a person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under § 90.1004.